

**Application No.:** 10/627,884  
**Filing Date.:** July 25, 2003

#### **REMARKS**

Claims 6, and 11-17 have been cancelled without prejudice. Applicant reserves the right to pursue the subject matter of the cancelled claims in a related application. The following addresses the substance of the Office Action.

#### **Novelty**

The Examiner has maintained the rejection of Claims 1, 6, 18 and 23 under 35 USC §102(b) as being anticipated by US Patent 6,245,898. The Examiner indicated that this rejection could be overcome by changing “antigen” to “epitope”. Applicant has amended Claim 1 accordingly. Support for this amendment is implicit in the specification as filed, as the described antibodies bind to the CDCP1 antigen via its epitopes.

#### **Allowable claims**

Applicant wishes to thank the Examiner for indicating that Claims 2-5, 7-10, 19-22 and 24-27 would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. These claims have been amended accordingly.

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### CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned prior to issuing an Advisory Action.

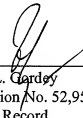
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 25, 2004

By: \_\_\_\_\_

  
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